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MONTANA LEGISLATIVE HISTORY

Chapter 283 19 97

Bill H _____ S 335 Original bill & history X C

H. Committee on Transportation			S. Committee on Highways & Transportation		
Hearing Date(s)	3/21	X C	Hearing Date(s)	2/18	X C
	3/24	X C		2/18	X C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendent information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

Senate BILL NO. 335

INTRODUCED BY Mike Bergeson

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE OPERATION OF FARM VEHICLES ON A COUNTY ROAD WITHOUT ACCOMPANYING FLAG VEHICLES; INCREASING THE WIDTH THAT A VEHICLE MUST BE TO WARRANT AN ACCOMPANYING FLAG VEHICLE; AND AMENDING SECTION 61-10-102, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-10-102, MCA, is amended to read:

"**61-10-102. Width.** (1) Except as provided in subsection (2), a vehicle, including a bus, unloaded or with load, may not have a total outside width in excess of 102 inches. This width for buses is allowed only on paved highways 20 feet or more in width.

(2) (a) Subsection (1) does not apply to an implement of husbandry or a vehicle used for hauling hay, moved or propelled upon the highway during daylight hours for a distance of not more than 100 miles if the movement is incidental to the farming operations of the owner of the implement of husbandry or the vehicle used for hauling hay. If the implement or vehicle is more than 12 feet 6 inches wide, it must be preceded by flag vehicle escorts to warn other highway users. This restriction does not apply to dual-wheel tractors under 15 feet overall width that are used in farming operations or to movement on a county road within 100 miles of the farming operation of the owner of an implement of husbandry or a vehicle used for hauling hay. Lights which meet the requirements of 61-9-219(4) must be displayed on the rear of the implement of husbandry or vehicle used for hauling hay. However, if the highway passes through a hazardous area, the implements or vehicles must be preceded and followed by flag vehicle escorts unless the movement of the implements or vehicles is restricted to a county road within 100 miles of the farming operation of the owner.

(b) A commercial vehicle that is hauling hay but does not qualify under subsection (2)(a) may be granted a permit subject to the provisions of 61-10-121 through 61-10-127 and the following requirements:

(i) travel during daylight hours only for an oversize shipment of large round bales of hay, whether the vehicle is loaded or with an empty hay rack, up to 144 inches; when empty, a square red or orange flag

measuring 12 inches on each side must be attached to each corner of the hay rack; and

(ii) travel day or night for any other shipment of baled hay, whether the vehicle is loaded or with an empty hay rack, up to 114 inches.

(c) Subsection (1) does not apply to a commercial hay grinder moved or propelled upon the highway during daylight hours for a distance of not more than 100 miles if the movement is incidental to operations of the commercial hay grinder. A commercial hay grinder exceeding 102 inches in width must have a permit issued under 61-10-124. If the commercial hay grinder is more than 12 feet 6 inches wide, it must be preceded by flag vehicle escorts to warn other highway users. Lights that meet the requirements of 61-9-219(4) must be displayed on the rear of the commercial hay grinder. Movement of a commercial hay grinder that does not exceed 138 inches in width may occur on any day of the week, including holidays, and is restricted to movement during daylight hours. Movement of a commercial hay grinder may not exceed the posted speed limit, including the speed limit on an interstate highway.

(3) A safety device that the department determines by rule adopted pursuant to 61-9-504 to be necessary for safe and efficient operation of motor vehicles is not included in the calculation of width provided in subsection (1).

(4) For the purposes of this section, "county road" has the same meaning as the term is defined in 60-1-103."

-END-

TRANSMITTED TO HOUSE
3/03 FIRST READING
3/03 REFERRED TO NATURAL RESOURCES
3/24 HEARING
4/02 TABLED IN COMMITTEE
DIED IN COMMITTEE

SB 335 INTRODUCED BY JENKINS, ET AL. *LC1317 DRAFTER: KURTZ*

PROVIDE FOR THE OPERATION OF FARM VEHICLES ON A COUNTY ROAD WITHOUT ACCOMPANYING FLAG VEHICLES

2/12	INTRODUCED		
2/12	FIRST READING		
2/12	REFERRED TO HIGHWAYS & TRANSPORTATION		
2/18	HEARING		
2/19	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/22	2ND READING PASSED	50	0
2/24	3RD READING PASSED	49	1
	TRANSMITTED TO HOUSE		
3/03	FIRST READING		
3/03	REFERRED TO TRANSPORTATION		
3/21	HEARING		
3/26	COMMITTEE REPORT—BILL CONCURRED		
4/04	2ND READING CONCURRED	100	0
4/05	3RD READING CONCURRED	100	0
	RETURNED TO SENATE		
4/10	SIGNED BY PRESIDENT		
4/10	SIGNED BY SPEAKER		
4/11	TRANSMITTED TO GOVERNOR		
4/16	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 283		
	EFFECTIVE DATE: 04/16/97		

SB 336 INTRODUCED BY HALLIGAN, ET AL. *LC1135 DRAFTER: KURTZ*

EXTEND THE TERMINATION DATE FOR THE INCOME AND CORPORATE TAX CREDIT FOR RECYCLING OF MATERIAL

2/12	INTRODUCED		
2/12	FIRST READING		
2/12	REFERRED TO TAXATION		
2/12	FISCAL NOTE REQUESTED		
2/17	FISCAL NOTE RECEIVED		
2/17	FISCAL NOTE PRINTED		
2/18	HEARING		
3/05	COMMITTEE REPORT—BILL PASSED		
3/07	2ND READING PASSED	48	2
3/08	3RD READING PASSED	41	3
	TRANSMITTED TO HOUSE		
3/10	FIRST READING		
3/10	REFERRED TO TAXATION		
3/28	HEARING		
4/09	COMMITTEE REPORT—BILL CONCURRED		
4/15	2ND READING CONCURRED	93	6
4/16	3RD READING CONCURRED	92	6
	RETURNED TO SENATE		
4/18	SIGNED BY PRESIDENT		
4/20	SIGNED BY SPEAKER		
4/21	TRANSMITTED TO GOVERNOR		

4/28	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 411		
	EFFECTIVE DATE: 04/28/97		

SB 337 INTRODUCED BY GROSFIELD, ET AL. *LC0959 DRAFTER: COLHOUN*

RATIFY A RESERVED WATER RIGHTS COMPACT AMONG THE STATE OF MONTANA, THE CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S INDIAN RESERVATION, AND THE UNITED STATES OF AMERICA

2/12	INTRODUCED		
2/12	FIRST READING		
2/12	REFERRED TO NATURAL RESOURCES		
2/17	HEARING		
2/20	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/24	2ND READING PASSED	50	0
2/25	3RD READING PASSED	50	0
	TRANSMITTED TO HOUSE		
3/03	FIRST READING		
3/03	REFERRED TO NATURAL RESOURCES		
4/02	HEARING		
4/03	COMMITTEE REPORT—BILL CONCURRED		
4/04	2ND READING CONCURRED	93	6
4/05	3RD READING CONCURRED	91	8
	RETURNED TO SENATE		
4/10	SIGNED BY PRESIDENT		
4/10	SIGNED BY SPEAKER		
4/11	TRANSMITTED TO GOVERNOR		
4/14	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 265		
	EFFECTIVE DATE: 10/01/97		

SB 338 INTRODUCED BY GROSFIELD *LC0760 DRAFTER: NISS*

REQUIRING LICENSURE OF CERTAIN GUEST RANCHES AND OUTFITTING AND GUIDE FACILITIES BY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

2/12	INTRODUCED		
2/12	FIRST READING		
2/12	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
2/12	FISCAL NOTE REQUESTED		
2/17	HEARING		
2/18	FISCAL NOTE RECEIVED		
2/20	FISCAL NOTE PRINTED		
2/22	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/25	2ND READING PASSED	48	2
2/26	3RD READING PASSED	44	5
	TRANSMITTED TO HOUSE		
3/03	FIRST READING		
3/03	REFERRED TO BUSINESS & LABOR		
3/17	REREFERRED TO STATE ADMINISTRATION		
3/27	HEARING		
3/28	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/08	2ND READING CONCURRED	81	18
4/09	3RD READING CONCURRED	84	15
	RETURNED TO SENATE WITH AMENDMENTS		
4/15	2ND READING AMENDMENTS CONCURRED	49	0
4/16	3RD READING CONCURRED AS AMENDED	45	5
4/18	SIGNED BY PRESIDENT		
4/20	SIGNED BY SPEAKER		

MINUTES

MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By **CHAIRMAN ARNIE MOHL**, on February 18, 1997, at 3:12 PM, in ROOM 410

ROLL CALL

Members Present:
Sen. Arnie A. Mohl, Chairman (R)
Sen. Mack Cole, Vice Chairman (R)
Sen. Larry Baer (R)
Sen. Bob DePratu (R)
Sen. John R. Hertel (R)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Greg Jergeson (D)
Sen. Linda J. Nelson (D)
Sen. Barry "Spook" Stang (D)

Members Excused: NONE

Members Absent: NONE

Staff Present: Connie Erickson, Legislative Services Division
Phoebe Kenny, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing(s) & Date(s) Posted: SB 360 AND SB 335, POSTED 2-12-97
Executive Action: SB 360 AND SB 335

HEARING ON SB 335

Sponsor: **SENATOR LOREN JENKINS, SD 45, Big Sandy**

Proponents:

Bob Stephens, MT Grain Growers Association
John Youngbery, MT Farm Bureau
Dave Galt, MT Department of Transportation

Opponents: None

Opening Statement by Sponsor:

SENATOR LOREN JENKINS, SD 45, Big Sandy, we have a problem that has shown up in our area and the way the law is written now, any farm machine moving on a county road has to be preceded by a flag man. In my area every section has a county road around it. Theoretically I couldn't move from one field to the next without a flag man. We thought that the law allowed us to move on a county road within a 100 miles of your farm, as long as it was part of your operation. On line 20 to clarify, "or movement on a county road within 100 miles of the farming operation of the owner of an implement of husbandry or a vehicle used for hauling hay." Hauling hay, I believe is already in the law now. Then on lines 24-26, again we restrict it to a county road, not on state or federal highways, are we allowed to do this. I am not asking for this on state or federal highways where traffic volume is higher, they should have a flag man on these roads. A county road is described in section 60-1-103 as stated on page 2 of the bill.

Proponents' Testimony:

Bob Stephens, MT Grain Growers Association, we are in support of this bill.

John Youngbery, MT Farm Bureau, we support this bill.

Dave Galt, MT Department of Transportation, this bill does two things. It allows agriculture vehicles owned and operated by the farmer, to move on county roads without the use of a pilot car. The other thing this bill does is raise the general width for when a farm vehicle needs a pilot car to 12 feet 6 inches wide. I'll be here to answer questions.

Opponents' Testimony: None

Questions From Committee Members and Responses:

SENATOR GREG JERGESON, is there any difference in the liability for a person who is moving equipment with or without a pilot car.

SENATOR JENKINS, yes there is. If you didn't have a pilot car, and had a wreck, you would be liable no matter what.

SENATOR JERGESON, if you are coming up on a hill top and someone is coming from the other direction and there is no pilot car, and you haven't seen them to get over, and crash into them, who has liability in that circumstance?

SENATOR JENKINS, if you have the road blocked then you would be liable. I am not trying to discourage farmers from using flag cars if they are available. I really anguished on how to write this bill to protect us.

SENATOR JABS, you mentioned 12 foot 6 inches brought agriculture into compliance with others. What is the legal length for requirements of a flag car.

Dave Galt, on all other vehicles, the current width is twelve feet, over that you are required to have a pilot car.

SENATOR JABS, I have a fourteen feet swather, do I need a flag car to drive that down a road.

Dave Galt, yes.

CHAIRMAN MOHL, the fifteen feet on the tractor, how come didn't we change that down to 12'6?

Dave Galt, I can only speculate, but I believe that change occurred about the time of the popularity of Big Bud tractors. These tractors were equipped with lights and turn signals so I believe the law was adjusted to provide for those.

CHAIRMAN MOHL, how come 100 miles, isn't that quite aways from the farm.

Dave Galt, I came to work here in 1978 and it has been 100 miles since I came here.

CHAIRMAN MOHL, if you are going to change the 12 feet 6 inches to make it legal for everybody else, then there should be no restrictions to the one hundred miles from the farm.

Dave Galt, by administrative rule we are going to widen vehicles to 12 feet 6 inches wide. There is no place in state statutes that deals with those kind of requirements with the possible exception of farm vehicles. There is no restrictions contained in the administrative rules that prohibit anyone to 100 miles. Those restrictions are set by statute. That would be up to this body to change those.

CHAIRMAN MOHL, if I have a piece of equipment going down the road after you change this administrative rule that allows me to move a 12 foot 6 inches wide vehicle without a flag person, all over the state of Montana, but if I have a tractor, I can only go 100 miles from my farm without putting a flag man on it?

DAVE GALT, without this bill an agriculture person can go within 100 miles of their farm without purchasing a permit to do so.

CHAIRMAN MOHL, this is all about permits then.

Dave Galt, yes.

SENATOR LINDA NELSON, when does this become effective, should it have a date?

SENATOR JENKINS, I would have no objections to passage and approval.

Closing by Sponsor: **SENATOR JENKINS,** anything above 12 feet six inches wide must be preceded by a flag vehicle. Farmers are allowed to go up to 12 feet 6 inches wide anywhere in the state also. Over that then they are only allowed to go within a 100 miles radius of their farm operation. That does seem like a long ways, but my cows go seventy miles from my house to where they are pastured in the summer. We tried to narrow it down to where it would be part of the regular operation of the farm and anything other than that we believe they need to have flag cars and permits.

EXECUTIVE ACTION ON SB 335

Motion:

SENATOR LINDA NELSON, moved **SB 335 DO PASS.** She then moved to **AMEND SB 335.**

Discussion:

SENATOR NELSON, the amendment would make it effective upon passage and approval.

Vote: the motion to **AMEND SB 335 CARRIED UNANIMOUSLY.**

Motion\Vote:

SENATOR NELSON moved **SB 335 DO PASS AS AMENDED. The motion CARRIED** with **SENATOR STANG** voting NO.

HEARING ON SB 360

Sponsor: **SENATOR BRUCE CRIPPEN, SD 10, Billings**

Proponents:

Craig Reap, Colonel MT Highway Patrol
John Connor, MT Department of Justice
Tara Mele, MT Public Interest Research Group
Ben Havdahl, MT Motor Carriers Association
Bob Gilbert, MT Tow Truck Association, MT Magistrates Association
SENATOR BARRY STANG, SD 36, Saint Regis

Opponents: None

Opening Statement by Sponsor:

SENATOR BRUCE CRIPPEN, SD 10 Billings, I am the sponsor of SB 360 which is an act to enhance the public safety on Montana Highways by revising the laws pertaining to violations of speed

MONTANA SENATE
1997 LEGISLATURE
HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL DATE 2-18-97

NAME	PRESENT	ABSENT	EXCUSED
SEN. ARNIE MOHL, CHAIRMAN	✓		
SEN. MACK COLE, VICE CHAIRMAN	✓		
SEN. LARRY BAER	✓		
SEN. BOB DE PRATU	✓		
SEN. JOHN HERTEL	✓		
SEN. RIC HOLDEN	✓		
SEN. REINY JABS	✓		
SEN. GREG JERGESON	✓		
SEN. LINDA NELSON	✓		
SEN. BARRY "SPOOK" STANG	✓		

SEN:1997
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CS-09

SENATE STANDING COMMITTEE REPORT

February 19, 1997

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration Senate Bill 335 (first reading copy -- white), respectfully report that Senate Bill 335 be amended as follows and as so amended do pass.

Signed: _____
Senator Arnie Mohl, Chair

That such amendments read:

1. Title, line 6.
Strike: "AND"

2. Title, line 7.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2.
Following: line 17
Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

-END-

Amd. Coord.
Sec. of Senate

390903SC.STS

DATE 2-18-97

SENATE COMMITTEE ON Highways and Transportation

BILLS BEING HEARD TODAY: SB 335, SB 346

< ■ > PLEASE PRINT < ■ >

Name	Representing	Bill No.	Check One: Support	Oppose
Craig Reap	MHP	360	X	
Tara Mele	MonEPTRG	360	X	
Bob Stephens	M.D.G.A.	335	X	
Pat Youngberg	MT Farm Bureau	335	X	
Ben Havdahl	MT Motor Carriers	360	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

REGISTER.F10

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TRANSPORTATION

Call to Order: By Chairman Shiell Anderson, on March 21, 1997, at 3:00 p.m., in Room 420

ROLL CALL

Members Present:

Rep. Shiell W. Anderson, Chairman (R)
Rep. Rick Jore, Vice Chairman (Majority) (R)
Rep. Patrick G. Galvin, Vice Chairman (Minority) (D)
Rep. Joe Barnett (R)
Rep. Rod Bitney (R)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Charles R. Devaney (R)
Rep. H.S. "Sonny" Hanson (R)
Rep. Marian W. Hanson (R)
Rep. Rod Marshall (R)
Rep. Gerald Pease (D)
Rep. William M. "Bill" Ryan (D)
Rep. Jack Wells (R)
Rep. Bill Whitehead (D)

Members Excused: Rep. Matt Brainard
Rep. Bob Clark
Rep. David Ewer
Rep. Dorothy Simpson

Staff Present: Leanne Kurtz, Legislative Services Division
Mary Lou Schmitz, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 610 - 1-17-97
SJR 9 - 1-11-97
SB 335 - 1-11-97
SB 360 - 1-11-97
SB 188 - 1-11-97

Executive Action: SB 343 BE CONCURRED IN

HEARING ON HB 610

"AN ACT ESTABLISHING A LEGISLATIVE COMMITTEE TO STUDY THE REVENUE AND EXPENDITURES OF THE HIGHWAYS STATE SPECIAL REVENUE ACCOUNT AND MONTANA'S TRANSPORTATION INFRASTRUCTURE NEEDS; PROVIDING FOR APPOINTMENTS TO THE COMMITTEE; APPROPRIATING FUNDS FOR THE OPERATION OF THE COMMITTEE AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

Bill Salisbury, Administrator, Motor Fuel Tax, Montana Department of Transportation.

Gail Abercrombie, Executive Director, Montana Petroleum Association.

Jim Crane, Montana Contractors' Association.

{Tape: 1; Side: A; Approx. Time Count: 80.7; }
Opponents: None

Informational Testimony: None

Questions From Committee Members and Responses: Reps. Galvin, Marshall, Bitney, Barnett, Anderson.

Responses by Ronna Alexander; Dave Galt; Bill Salisbury;

{Tape: 1; Side: B; Approx. Time Count: 3.9; }
Closing by Sponsor: Senator Mohl closed the Hearing on SB 188.

HEARING ON SB 335

"AN ACT PROVIDING FOR THE OPERATION OF FARM VEHICLES ON A COUNTY ROAD WITHOUT ACCOMPANYING FLAG VEHICLES; INCREASING THE WIDTH THAT A VEHICLE MUST BE TO WARRANT AN ACCOMPANYING FLAG VEHICLE;"

Sponsor: Senator Loren Jenkins, SD 45

{Tape: 1; Side: B; Approx. Time Count: 6.9; }
Opening Statement by Sponsor: Senator Jenkins said the Bill allows a person to move on a County road within 100 miles from that person's farm operation.

{Tape: 1; Side: B; Approx. Time Count: 10.0 ; }
Proponents: Brad Griffin, Managing Director, Montana Hardware and Implement Association. **EXHIBIT 5.** (Presented by Candace Torgerson)

Bob Stephens, Montana Grain Growers' Association and representing John Youngberg, Montana Farm Bureau.

{Tape: 1; Side: B; Approx. Time Count: 12.0; }
Opponents: None

{Tape: 1; Side: B; Approx. Time Count: 11.8; }
Informational Testimony: Dave Galt, Administrator, Motor Services Division.

{Tape: 1; Side: B; Approx. Time Count: 12.4; }
Questions From Committee Members and Responses: Reps. Marian Hanson, Anderson.

Responses by Senator Jenkins;

{Tape: 1; Side: B; Approx. Time Count: 18.0; }
Closing by Sponsor: Senator Jenkins closed the Hearing on SB 335.

HEARING ON SJR 9

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE UNITED STATES CONGRESS TO ACT IN A TIMELY FASHION TO REAUTHORIZE THE FEDERAL SURFACE TRANSPORTATION PROGRAM AND TO CONTINUE TO RECOGNIZE THE NATIONAL INTEREST IN THE INVESTMENT IN HIGHWAYS THAT SERVE AND CROSS RURAL WESTERN STATES.

Sponsor: Senator Barry Stang, SD 36.

{Tape: 1; Side: B; Approx. Time Count: 18.2; }
Opening Statement by Sponsor: Senator Stang said this is a Senate Joint Resolution that was requested in the Senate Highway and Transportation Committee.

{Tape: 1; Side: B; Approx. Time Count: 19.4; }
Proponents: Jim Currie, Department of Transportation.

Jim Crane, Montana Contractors' Association.

Steve Turkiewicz, Montana Auto Dealers' Association.

Opponents: None

Informational Testimony: None

{Tape: 1; Side: B; Approx. Time Count: 24.4; }
Questions From Committee Members and Responses: Reps. Bitney, Jore.

Responses by Jim Currie; Senator Stang;

{Tape: 1; Side: B; Approx. Time Count: 27.4; }
Closing by Sponsor: Senator Stang closed the Hearing on SJR 9.

EXECUTIVE ACTION ON SB 343

Motion: Rep. Devaney moved BE CONCURRED IN.

Amendment: Rep. Wells moved his first Amendment.

{Tape: 1; Side: B; Approx. Time Count: 30.2; }
Discussion: Reps. Wells, Sonny Hanson, Marshall, Bitney, Anderson, Devaney.

Vote: Motion on Amendment failed 2 - 12.

MONTANA HARDWARE &
IMPLEMENT ASSOCIATION

1537 Avenue D, Suite 320
Billings, MT 59102
406-256-1005
1-800-388-0236
FAX 406-256-0785

EXHIBIT 5
DATE 3-21-97
SB 335

Dear Representative Anderson,

I am unable to attend today's hearing on SB335, but I do wish to express our strong support of the bill. I especially want to address line 18 in the bill as it allows an additional six inches in width of farm equipment before a flag vehicle is required. There is a lot of equipment that falls in the 12' to 12'6" range and it would help alleviate the flagging requirement with no adverse effect on public safety.

On behalf of the more than 60 implement dealerships in Montana we thank you for listening to our concerns.

Sincerely,

Brad Griffin
Managing Director

HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE

ROLL CALL DATE 3-21-97

NAME	PRESENT	ABSENT	EXCUSED
SHIELL ANDERSON, CHAIRMAN	✓		
RICK JORE, VICE CHAIR MAJ.	✓		
PAT GALVIN, VICE CHAIR MIN.	✓		
JOE BARNETT	✓		
ROD BITNEY	✓		
SYLVIA BOOKOUT	✓		
MATT BRAINARD			✓
BOB CLARK			✓
CHARLES DEVANEY	✓		
DAVID EWER			✓
SONNY HANSON	✓		
MARIAN HANSON	✓		
ROD MARSHALL	✓		
GERALD PEASE	✓		
BILL RYAN	✓		
DOROTHY SIMPSON			✓
JACK WELLS	✓		
BILL WHITEHEAD	✓		

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Transportation COMMITTEE DATE 3-21-97

BILL NO. SB 335 SPONSOR(S) Senator Jenkins

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Bob Stephens	MT Grain Growers	✓	
John Youngberg	MT Farm Bur.	✓	
Richard Michalski	Self		✓
BRAD Griffin	Mont. Hardware & Implement Ass	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

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CS-14

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TRANSPORTATION

Call to Order: By Chairman Shiell Anderson, on March 24, 1997, at 3:00 p.m., in Room 420.

ROLL CALL

Members Present:

Rep. Shiell W. Anderson, Chairman (R)
Rep. Rick Jore, Vice Chairman (Majority) (R)
Rep. Patrick G. Galvin, Vice Chairman (Minority) (D)
Rep. Joe Barnett (R)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Matt Brainard (R)
Rep. Bob Clark (R)
Rep. Charles R. Devaney (R)
Rep. David Ewer (D)
Rep. H.S. "Sonny" Hanson (R)
Rep. Rod Marshall (R)
Rep. Gerald Pease (D)
Rep. Dorothy C. Simpson (D)
Rep. Jack Wells (R)
Rep. Bill Whitehead (D)

Members Excused: Rep. Rod Bitney
Rep. Marian Hanson
Rep. Bill Ryan

Staff Present: Leanne Kurtz, Legislative Services Division
Mary Lou Schmitz, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted:

Executive Action:

SB 265	Be Concurred In 16-0
SJR 9	Be Concurred In 16-0
SB 252	Be Concurred In 14-2
HB 610	DPAA 10-6
SB 257	Be Concurred In 16-0
SB 188	Be Concurred In 15-1
SB 335	Be Concurred in 12-5
SB 282	Be Concurred In 16-1
SB 11	Tabled 9-8
SB 360	Tabled 12-6

EXECUTIVE ACTION ON SB 265

{Tape: 1; Side: A; Approx. Time Count: 3.0; }
Motion: Rep. Devaney moved BE CONCURRED IN.

Responses by Pat Saindon, Department of Transportation;

{Tape: 1; Side: A; Approx. Time Count: 32.3; }
Vote: Motion carried unanimously. 16 - 0.

EXECUTIVE ACTION ON SB 188

{Tape: 1; Side: A; Approx. Time Count: 33.6; }
Motion/Vote: Rep. Devaney moved BE CONCURRED IN. Motion carried 15 - 1

EXECUTIVE ACTION ON SB 335

{Tape: 1; Side: A; Approx. Time Count: 36.1; }
Motion: Rep. Devaney moved BE CONCURRED IN.

Discussion: Reps. Ewer, Devaney, Wells, Clark, Sonny Hanson, Marshall, Anderson.

Responses by Dave Galt, Department of Transportation.

Motion/Vote: Rep. Clark moved to TABLE SB 335. Motion failed 5 - 11.

{Tape: 1; Side: A; Approx. Time Count: 49.0; }
Vote: Vote on Rep. Devaney's original motion carried 12 - 5.

EXECUTIVE ACTION ON SB 282

{Tape: 1; Side: A; Approx. Time Count: 49.4; }
Motion: Rep. Bookout moved BE CONCURRED IN.

Discussion: Reps. Bookout, Ewer, Anderson.

{Tape: 1; Side: A; Approx. Time Count: 55.0; }
Vote: Motion carried 16 - 1.

EXECUTIVE ACTION ON SB 11

{Tape: 1; Side: A; Approx. Time Count: 56.4; }
Motion: Rep. Galvin moved BE CONCURRED IN.

Discussion: Rep. Sonny Hanson

Amendment: Rep. Sonny Hanson moved an amendment concerning easement.

Vote: Motion carried unanimously. 17 - 0

{Tape: 1; Side: B; Approx. Time Count: 1.1; }
Motion: Rep. Devaney moved BE CONCURRED IN AS AMENDED.

Discussion: Reps. Wells, Brainard, Devaney, Jore, Galvin, Anderson.

HOUSE STANDING COMMITTEE REPORT

March 25, 1997

Mr. Speaker: We, the committee on **Transportation** report that **Senate Bill 335** (third reading copy -- blue) **be concurred in**.

Signed: Shiell W. Anderson
Shiell Anderson, Chair

Carried by: Rep. DeBruycker

3-25-97

Committee Vote:
Yes 12, No 5.

651548SC.Hgd

HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE

ROLL CALL DATE 3-24-97

NAME	PRESENT	ABSENT	EXCUSED
SHIELL ANDERSON, CHAIRMAN	✓		
RICK JORE, VICE CHAIR MAJ.	✓		
PAT GALVIN, VICE CHAIR MIN.	✓		
JOE BARNETT	✓		
ROD BITNEY			✓
SYLVIA BOOKOUT	✓		
MATT BRAINARD 3:45	✓		
BOB CLARK	✓		
CHARLES DEVANEY	✓		
DAVID EWER	✓		
SONNY HANSON	✓		
MARIAN HANSON			✓
ROD MARSHALL	✓		
GERALD PEASE 3:50	✓		
BILL RYAN			✓
DOROTHY SIMPSON	✓		
JACK WELLS	✓		
BILL WHITEHEAD	✓		

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

TRANSPORTATION COMMITTEE

DATE 3-24-97 BILL NO. SB 335 NUMBER

MOTION: Rep. Dunaway moved Be Concurred In

NAME	AYE	NO
SHIELL ANDERSON, CHAIRMAN		
RICK JORE, VICE CHAIRMAN MAJ.		
PAT GALVIN, VICE CHAIRMAN MIN.		
JOE BARNETT		
ROD BITNEY		
SYLVIA BOOKOUT		
MATT BRAINARD		
BOB CLARK		
CHARLES DEVANEY		
DAVID EWER		
SONNY HANSON		
MARIAN HANSON		
ROD MARSHALL		
GERALD PEASE		
BILL RYAN		
DOROTHY SIMPSON		
JACK WELLS		
BILL WHITEHEAD		

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

TRANSPORTATION COMMITTEE

DATE 3-24-97 BILL NO. SB 335 NUMBER

MOTION: Rep Clark moved to Table

Motion failed 5-11

NAME	AYE	NO
SHIELL ANDERSON, CHAIRMAN		✓
RICK JORE, VICE CHAIRMAN MAJ.		✓
PAT GALVIN, VICE CHAIRMAN MIN.		✓
JOE BARNETT	✓	
ROD BITNEY		✓
SYLVIA BOOKOUT		✓
MATT BRAINARD		
BOB CLARK	✓	
CHARLES DEVANEY		✓
DAVID EWER	✓	
SONNY HANSON		✓
MARIAN HANSON		✓
ROD MARSHALL		✓
GERALD PEASE		
BILL RYAN	✓	
DOROTHY SIMPSON	✓	
JACK WELLS		✓
BILL WHITEHEAD		✓
	5	11

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

TRANSPORTATION COMMITTEE

DATE 3-24-95 BILL NO. SB 335 NUMBER

MOTION: Rep. Devaney's original motion Be Concurred In carried

NAME	AYE	NO
SHIELL ANDERSON, CHAIRMAN	✓	
RICK JORE, VICE CHAIRMAN MAJ.	✓	
PAT GALVIN, VICE CHAIRMAN MIN.	✓	
JOE BARNETT	✓	
ROD BITNEY	✓	
SYLVIA BOOKOUT	✓	
MATT BRAINARD		
BOB CLARK		✓
CHARLES DEVANEY	✓	
DAVID EWER		✓
SONNY HANSON	✓	
MARIAN HANSON	✓	
ROD MARSHALL	✓	
GERALD PEASE		✓
BILL RYAN		✓
DOROTHY SIMPSON		✓
JACK WELLS	✓	
BILL WHITEHEAD	✓	
	12	5

COMMITTEE ABSENTEE BALLOT

Date: 3/23/97

I hereby authorize Rep. Jore

to cast my vote(s) as follows:

SB 257 Yes

SB 188 Yes

[illegible] Yes

SB 282 Yes

SB 11 No

SR 260 Yes Amend Yes → No on Table

Representative R Bitney

V - Dorothy

Proxy Voting

for Bill Ryan

3/24

3/24/97

: 9 mile [illegible]

Shell [illegible] on

all bills + notices,

[illegible]